IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1163of 2002 (S/B)

1. Jagdish Chandra Bhatt
   S/o late Sri G.B. Bhatt, presently posted as
   Mechanical Supervisor,
   State Vaccine Institute,
   Patwadangar, Nainital
   Prakash Chandra and
2. Dharma Pal Goel
   S/o late Sri Har Prakash Goel,
   Presently posted as
   Electrical Supervisor,
   State Vaccine Institute,
   Patwadangar, Nainital, …….. Petitioner

Versus

State of Uttaranchal and others……. Respondents

Sri Manoj Tiwari, Advocate for the petitioner
Sri K.P.Upadhaya, learned counsel for the State of Utttaranchal
Sri B.S. Verma, learned standing counsel for the State of U.P.

Coram: Hon'ble P.C.Verma,J.
Hon'ble Irshad Hussain,J.

Date 13.8.2003

PC:

This writ petition was filed on 3.9.2002 by which two petitioners have sought a writ in the nature of mandamus against the respondent no.2 to forthwith grant the pay scale for the post of assistant Engineer Electrical and Mechanical) to the petitioners as promotional pay.

It may be mentioned that as a supervisor, the petitioners pay scale war Rs. 4500-7000. However, now during the pendency of the petition, the Government has sanctioned higher pay scale of Rs.. 5500-9000/- w.e.f. 1.3.2000 and 5.8.2001, respectively. Therefore, there is no question of inaction on the part of the Government now and to that extent the grievance of the petitioners is redressed. However, the petitioners in the petition further seeks a declaration that the pay scale of Rs. 4500-7000 is that of the Junior Engineer; that all the Supervisors have been treated as Junior Engineers by the Government and, therefore, the petitioner is entitled to promotion as Assistant Engineer in

the pay scale of Rs. 8000-13500/-. This latter part of relief can only be subject matter of adjudication before the Service Tribunal as disputed facts are involved. For that count, if the petitioner seeks any declaration he may move the Public Service Tribunal, if so advised, in accordance with law. On this point we keep all contentions of both sides expressly open.

The petition is disposed of accordingly.

(Irshad Hussain,J.) **(S.H.Kapadia, C.J.)**

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